

Calendar No. 800

110TH CONGRESS
2D SESSION**S. 2512****[Report No. 110–368]**

To establish the Mississippi Delta National Heritage Area in the State of Mississippi, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 18, 2007

Mr. COCHRAN (for himself and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 16, 2008

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish the Mississippi Delta National Heritage Area in the State of Mississippi, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mississippi Delta Na-
5 tional Heritage Area Act of 2007”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the historic, cultural, and natural heritage
4 legacies of the Mississippi Delta are—

5 (A) nationally significant; and

6 (B) in need of greater recognition;

7 (2) in the alluvial floodplain that comprises the
8 Mississippi Delta there are a variety of diverse herit-
9 age resources that demonstrate—

10 (A) the labors and social activities of the
11 earliest citizens of the United States, which are
12 revealed in—

13 (i) numerous residential and ceremo-
14 nial mound sites; and

15 (ii) sites significant to the Quapaw,
16 Tunica, Choctaw, and Chickasaw people
17 and other Native Americans;

18 (B) the clearing and settlement of 1 of the
19 last wilderness frontiers in the 48 contiguous
20 States;

21 (C) the immigration of people of African,
22 Asian, and European descent to the United
23 States;

24 (D) the labors and social activities of
25 enslaved Africans who provided the bulk of the
26 early labor force for the development of—

1 (i) large-scale plantation agriculture
2 based on cotton, which is 1 of the most im-
3 portant commodities ever produced in the
4 United States; and

5 (ii) the birth and subsequent perfec-
6 tion of the art form that is known as the
7 “Mississippi Delta Blues”;

8 (E) the role of the Mississippi River as—

9 (i) the architect and sometimes un-
10 merciful tyrant of land; and

11 (ii) an important transportation ar-
12 tery throughout the history of the United
13 States;

14 (F) the story of the Great Flood of 1927,
15 which was a defining event in the history of the
16 United States;

17 (G) the struggles and triumphs of the Civil
18 Rights Movement; and

19 (H) the emergence of many local leaders
20 from the Civil Rights Movement;

21 (I) the Mississippi Delta is the ancestral home
22 of hundreds of thousands of people of the United
23 States who—

24 (A) migrated north, east, and west during
25 the Great Migration seeking employment and

1 freedom and populating the cities of the United
 2 States in the process;

3 (B) struggled for equal rights and equal
 4 opportunities; and

5 (C) carried their culture, including their
 6 family life, faith, food, lifestyle, and music to
 7 the rest of the United States, which trans-
 8 formed the United States in the process;

9 (4) the scenic and natural beauty of the alluvial
 10 floodplain known as the “Yazoo-Mississippi
 11 Delta”—

12 (A) is distinctive and integral to the herit-
 13 age stories of the region; and

14 (B) provides critical habitat for migrating
 15 birds passing through the Mississippi Flyway;

16 (5) the agricultural heritage of the Delta, espe-
 17 cially with regards to the cultivation of cotton, soy-
 18 beans, rice, and catfish has contributed significantly
 19 to the story and economy of the United States;

20 (6) many of the greatest leaders of the United
 21 States in literature, music, civil rights, politics, cul-
 22 inary arts, poetry, society, and religion have come
 23 from the Mississippi Delta;

24 (7) the small towns, inns, shops, restaurants,
 25 artist’s workshops, blues clubs, churches, landscape,

1 and vernacular architecture make the Mississippi
2 Delta unique;

3 (8) the Mississippi Delta is known internation-
4 ally as the birthplace of the musical form known as
5 the “Blues”, which provided the basis for much of
6 modern popular music; and

7 (9) there is broad support from local govern-
8 ments and other interested individuals for the estab-
9 lishment of the Mississippi Delta National Heritage
10 Area to coordinate and assist in the preservation
11 and interpretation of the resources of the region.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) BOARD.—The term “Board” means the
15 Board of Directors of the coordinating entity estab-
16 lished under section 3(b).

17 (2) HERITAGE AREA.—The term “Heritage
18 Area” means the Mississippi Delta National Herit-
19 age Area established by section 4(a).

20 (3) COORDINATING ENTITY.—The term “co-
21 ordinating entity” means the coordinating entity for
22 the Heritage Area designated by section 5(a).

23 (4) MANAGEMENT PLAN.—The term “manage-
24 ment plan” means the management plan for the
25 Heritage Area developed under section 7.

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (6) STATE.—The term “State” means the State
4 of Mississippi.

5 **SEC. 4. MISSISSIPPI DELTA NATIONAL HERITAGE AREA.**

6 (a) ESTABLISHMENT.—There is established in the
7 State the Mississippi Delta National Heritage Area.

8 (b) BOUNDARIES.—The Heritage Area shall include
9 all counties in the State that contain land located in the
10 alluvial floodplain of the Mississippi Delta, including Boli-
11 var, Carroll, Coahoma, Desoto, Holmes, Humphreys,
12 Issaquena, Leflore, Panola, Quitman, Sharkey, Sunflower,
13 Tallahatchie, Tate, Tunica, Warren, Washington, and
14 Yazoo Counties in the State.

15 (c) MAP.—

16 (1) IN GENERAL.—As soon as practicable after
17 the date of enactment of this Act, the Secretary
18 shall prepare a map of the Heritage Area.

19 (2) AVAILABILITY.—The map prepared under
20 paragraph (1) shall be on file and available for pub-
21 lic inspection in the office of the Director of the Na-
22 tional Park Service.

1 **SEC. 5. DESIGNATION OF PARTNERSHIP AS COORDINATING**
 2 **ENTITY.**

3 (a) ~~IN GENERAL.~~—The Mississippi Delta National
 4 Heritage Area Partnership shall be the coordinating entity
 5 for the Heritage Area.

6 (b) ~~BOARD OF DIRECTORS.~~—

7 (1) ~~COMPOSITION.~~—

8 (A) ~~IN GENERAL.~~—The coordinating entity
 9 shall be governed by a Board of Directors com-
 10 posed of 15 members, of whom—

11 (i) 1 member shall be appointed by
 12 Delta State University;

13 (ii) 1 member shall be appointed by
 14 Mississippi Valley State University;

15 (iii) 1 member shall be appointed by
 16 Alcorn State University;

17 (iv) 1 member shall be appointed by
 18 the Delta Foundation;

19 (v) 1 member shall be appointed by
 20 the Smith Robertson Museum;

21 (vi) 1 member shall be appointed from
 22 the Office of the Governor of the State;

23 (vii) 1 member shall be appointed by
 24 Delta Council;

25 (viii) 1 member shall be appointed
 26 from the Mississippi Arts Commission;

1 (ix) 1 member shall be appointed from
 2 the Mississippi Department of Archives
 3 and History.

4 (x) 1 member shall be appointed from
 5 the Mississippi Humanities Council; and

6 (xi) up to 5 additional members shall
 7 be appointed for staggered 1- and 2-year
 8 terms by County boards in the Heritage
 9 Area.

10 (B) RESIDENCY REQUIREMENTS.—At least
 11 7 members of the Board shall reside in the
 12 Heritage Area.

13 (2) OFFICERS.—

14 (A) IN GENERAL.—At the initial meeting
 15 of the Board, the members of the Board shall
 16 appoint a Chairperson, Vice Chairperson, and
 17 Secretary/Treasurer.

18 (B) DUTIES.—

19 (i) CHAIRPERSON.—The duties of the
 20 Chairperson shall include—

21 (I) presiding over meetings of the
 22 Board;

23 (II) executing documents of the
 24 Board; and

1 (III) coordinating activities of the
 2 Heritage Area with Federal, State,
 3 local, and nongovernmental officials.

4 (ii) VICE CHAIRPERSON.—The Vice
 5 Chairperson shall act as Chairperson in
 6 the absence or disability of the Chair-
 7 person.

8 (3) MANAGEMENT AUTHORITY.—

9 (A) IN GENERAL.—The Board shall—

10 (i) exercise all corporate powers of the
 11 coordinating entity;

12 (ii) manage the activities and affairs
 13 of the coordinating entity; and

14 (iii) subject to any limitations in the
 15 articles and bylaws of the coordinating en-
 16 tity, this Act, and any other applicable
 17 Federal or State law, establish the policies
 18 of the coordinating entity.

19 (B) STAFF.—The Board shall have the au-
 20 thority to employ any services and staff that
 21 are determined to be necessary by a majority
 22 vote of the Board.

23 (4) BYLAWS.—

24 (A) IN GENERAL.—The Board may amend
 25 or repeal the bylaws of the coordinating entity

1 at any meeting of the Board by a majority vote
2 of the Board.

3 (B) NOTICE.—The Board shall provide no-
4 tice of any meeting of the Board at which an
5 amendment to the bylaws is to be considered
6 that includes the text or a summary of the pro-
7 posed amendment.

8 (5) MINUTES.—Not later than 60 days after a
9 meeting of the Board, the Board shall distribute the
10 minutes of the meeting among all Board members
11 and the county supervisors in each county within the
12 Heritage Area.

13 **SEC. 6. AUTHORITIES AND DUTIES OF COORDINATING EN-**
14 **TITY.**

15 (a) AUTHORITIES.—For purposes of developing and
16 implementing the management plan and otherwise car-
17 rying out this Act, the coordinating entity may make
18 grants and provide technical assistance to tribal and local
19 governments and other public and private entities.

20 (b) DUTIES.—In carrying out this Act, the coordi-
21 nating entity shall—

22 (1) implement the management plan;

23 (2) assist local and tribal governments and non-
24 profit organizations in—

1 (A) establishing and maintaining interpre-
2 tive exhibits in the Heritage Area;

3 (B) developing recreational resources in
4 the Heritage Area;

5 (C) increasing public awareness of, and ap-
6 preciation for, the Heritage Area;

7 (D) restoring historic structures that relate
8 to the Heritage Area; and

9 (E) carrying out any other activity that
10 the coordinating entity determines to be appro-
11 priate to carry out this Act, consistent with the
12 management plan;

13 (3) conduct public meetings at least annually
14 regarding the implementation of the management
15 plan; and

16 (4) for any fiscal year for which Federal funds
17 are made available for the Heritage Area—

18 (A) submit to the Secretary a report that
19 describes, for the fiscal year, the actions of the
20 coordinating entity in carrying out this Act;

21 (B) make available to the Secretary for
22 audit all records relating to the expenditure of
23 funds by any matching funds; and

24 (C) require, for all agreements authorizing
25 the expenditure of Federal funds by any entity,

1 that the receiving entity make available to the
 2 Secretary for audit all records relating to the
 3 expenditure of the funds.

4 ~~(c) PROHIBITION OF ACQUISITION OF REAL PROP-~~
 5 ~~ERTY.—~~The coordinating entity shall not use any Federal
 6 funds made available under this Act to acquire real prop-
 7 erty or any interest in real property.

8 **SEC. 7. MANAGEMENT PLAN.**

9 ~~(a) IN GENERAL.—~~Not later than 3 years after the
 10 date of enactment of this Act, the coordinating entity shall
 11 develop and submit to the Secretary a management plan
 12 for the Heritage Area.

13 ~~(b) REQUIREMENTS.—~~The management plan shall—

14 ~~(1)~~ provide recommendations for the conserva-
 15 tion, funding, management, interpretation, and de-
 16 velopment of the cultural, historical, archaeological,
 17 natural, and recreational resources of the Heritage
 18 Area;

19 ~~(2)~~ identify sources of funding for the Heritage
 20 Area;

21 ~~(3)~~ include—

22 ~~(A)~~ an inventory of the cultural, historical,
 23 archeological, natural, and recreational re-
 24 sources of the Heritage Area; and

1 ~~(B)~~ an analysis of ways in which Federal,
 2 State, tribal, and local programs may best be
 3 coordinated to promote the purposes of this
 4 Act;

5 ~~(4)~~ provide recommendations for educational
 6 and interpretive programs to inform the public about
 7 the resources of the Heritage Area; and

8 ~~(5)~~ involve residents of affected communities
 9 and tribal and local governments.

10 ~~(c) FAILURE TO SUBMIT.—~~If a management plan is
 11 not submitted to the Secretary by the date specified in
 12 subsection (a), the Secretary shall not provide any addi-
 13 tional funding under this Act until a management plan
 14 for the Heritage Area is submitted to the Secretary.

15 **SEC. 8. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

16 ~~(a) IN GENERAL.—~~On the request of the coordi-
 17 nating entity, the Secretary may provide technical and fi-
 18 nancial assistance to the coordinating entity for use in the
 19 development and implementation of the management plan.

20 ~~(b) PROHIBITION OF CERTAIN REQUIREMENTS.—~~
 21 The Secretary may not, as a condition of the provision
 22 of technical or financial assistance under this section, re-
 23 quire any recipient of the assistance to impose or modify
 24 any land use restriction or zoning ordinance.

1 **SEC. 9. EFFECT.**

2 Nothing in this Act—

3 (1) affects or authorizes the coordinating entity
4 to interfere with—

5 (A) the right of any person with respect to
6 private property; or

7 (B) any local zoning ordinance or land use
8 plan;

9 (2) restricts an Indian tribe from protecting
10 cultural or religious sites on tribal land;

11 (3) modifies, enlarges, or diminishes the author-
12 ity of any State, tribal, or local government to regu-
13 late any use of land under any other law (including
14 regulations);

15 (4)(A) modifies, enlarges, or diminishes the au-
16 thority of the State to manage fish and wildlife in
17 the Heritage Area, including the regulation of fish-
18 ing and hunting; or

19 (B) authorizes the coordinating entity to as-
20 sume any authority to manage fish and wildlife in
21 the Heritage Area; or

22 (5) diminishes the trust responsibilities or gov-
23 ernment-to-government obligations of the United
24 States of any federally recognized Indian tribe.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Mississippi Delta Na-*
 3 *tional Heritage Area Act of 2008”.*

4 **SEC. 2. DEFINITIONS.**

5 *In this Act:*

6 (1) **BOARD.**—*The term “Board” means the*
 7 *Board of Directors of the local coordinating entity.*

8 (2) **HERITAGE AREA.**—*The term “Heritage*
 9 *Area” means the Mississippi Delta National Heritage*
 10 *Area established by section 3(a).*

11 (3) **LOCAL COORDINATING ENTITY.**—*The term*
 12 *“local coordinating entity” means the local coordi-*
 13 *nating entity for the Heritage Area designated by sec-*
 14 *tion 3(d)(1).*

15 (4) **MANAGEMENT PLAN.**—*The term “manage-*
 16 *ment plan” means the management plan for the Her-*
 17 *itage Area developed under section 5.*

18 (5) **MAP.**—*The term “map” means the map enti-*
 19 *tled “Mississippi Delta National Heritage Area”,*
 20 *numbered T13/80,000, and dated April 2008.*

21 (6) **SECRETARY.**—*The term “Secretary” means*
 22 *the Secretary of the Interior.*

23 (7) **STATE.**—*The term “State” means the State*
 24 *of Mississippi.*

1 **SEC. 3. ESTABLISHMENT.**

2 (a) *ESTABLISHMENT.*—*There is established in the*
 3 *State the Mississippi Delta National Heritage Area.*

4 (b) *BOUNDARIES.*—*The Heritage Area shall include all*
 5 *counties in the State that contain land located in the allu-*
 6 *vial floodplain of the Mississippi Delta, including Bolivar,*
 7 *Carroll, Coahoma, Desoto, Holmes, Humphreys, Issaquena,*
 8 *Leflore, Panola, Quitman, Sharkey, Sunflower,*
 9 *Tallahatchie, Tate, Tunica, Warren, Washington, and*
 10 *Yazoo Counties in the State, as depicted on the map.*

11 (c) *AVAILABILITY OF MAP.*—*The map shall be on file*
 12 *and available for public inspection in the office of the Direc-*
 13 *tor of the National Park Service.*

14 (d) *LOCAL COORDINATING ENTITY.*—

15 (1) *DESIGNATION.*—*The Mississippi Delta Na-*
 16 *tional Heritage Area Partnership shall be the local*
 17 *coordinating entity for the Heritage Area.*

18 (2) *BOARD OF DIRECTORS.*—

19 (A) *COMPOSITION.*—

20 (i) *IN GENERAL.*—*The local coordi-*
 21 *nating entity shall be governed by a Board*
 22 *of Directors composed of 15 members, of*
 23 *whom—*

24 (I) *1 member shall be appointed*
 25 *by Delta State University;*

1 (II) 1 member shall be appointed
2 by Mississippi Valley State University;

3 (III) 1 member shall be appointed
4 by Alcorn State University;

5 (IV) 1 member shall be appointed
6 by the Delta Foundation;

7 (V) 1 member shall be appointed
8 by the Smith Robertson Museum;

9 (VI) 1 member shall be appointed
10 from the office of the Governor of the
11 State;

12 (VII) 1 member shall be appointed
13 by Delta Council;

14 (VIII) 1 member shall be ap-
15 pointed from the Mississippi Arts
16 Commission;

17 (IX) 1 member shall be appointed
18 from the Mississippi Department of
19 Archives and History.

20 (X) 1 member shall be appointed
21 from the Mississippi Humanities
22 Council; and

23 (XI) up to 5 additional members
24 shall be appointed for staggered 1- and

1 *2-year terms by County boards in the*
 2 *Heritage Area.*

3 *(ii) RESIDENCY REQUIREMENTS.—At*
 4 *least 7 members of the Board shall reside in*
 5 *the Heritage Area.*

6 *(B) OFFICERS.—*

7 *(i) IN GENERAL.—At the initial meet-*
 8 *ing of the Board, the members of the Board*
 9 *shall appoint a Chairperson, Vice Chair-*
 10 *person, and Secretary/Treasurer.*

11 *(ii) DUTIES.—*

12 *(I) CHAIRPERSON.—The duties of*
 13 *the Chairperson shall include—*

14 *(aa) presiding over meetings*
 15 *of the Board;*

16 *(bb) executing documents of*
 17 *the Board; and*

18 *(cc) coordinating activities of*
 19 *the Heritage Area with Federal,*
 20 *State, local, and nongovernmental*
 21 *officials.*

22 *(II) VICE CHAIRPERSON.—The*
 23 *Vice Chairperson shall act as Chair-*
 24 *person in the absence or disability of*
 25 *the Chairperson.*

1 (C) *MANAGEMENT AUTHORITY.*—

2 (i) *IN GENERAL.*—*The Board shall—*

3 (I) *exercise all corporate powers of*
4 *the local coordinating entity;*

5 (II) *manage the activities and af-*
6 *fairs of the local coordinating entity;*
7 *and*

8 (III) *subject to any limitations in*
9 *the articles and bylaws of the local co-*
10 *ordinating entity, this Act, and any*
11 *other applicable Federal or State law,*
12 *establish the policies of the local coordi-*
13 *nating entity.*

14 (ii) *STAFF.*—*The Board shall have the*
15 *authority to employ any services and staff*
16 *that are determined to be necessary by a*
17 *majority vote of the Board.*

18 (D) *BYLAWS.*—

19 (i) *IN GENERAL.*—*The Board may*
20 *amend or repeal the bylaws of the local co-*
21 *ordinating entity at any meeting of the*
22 *Board by a majority vote of the Board.*

23 (ii) *NOTICE.*—*The Board shall provide*
24 *notice of any meeting of the Board at which*
25 *an amendment to the bylaws is to be con-*

1 sidered that includes the text or a summary
2 of the proposed amendment.

3 (E) MINUTES.—Not later than 60 days
4 after a meeting of the Board, the Board shall
5 distribute the minutes of the meeting among all
6 Board members and the county supervisors in
7 each county within the Heritage Area.

8 **SEC. 4. DUTIES AND AUTHORITIES OF LOCAL COORDI-**
9 **NATING ENTITY.**

10 (a) DUTIES OF THE LOCAL COORDINATING ENTITY.—
11 To further the purposes of the Heritage Area, the local co-
12 ordinating entity shall—

13 (1) prepare, and submit to the Secretary, in ac-
14 cordance with section 5, a management plan for the
15 Heritage Area;

16 (2) assist units of local government, regional
17 planning organizations, and nonprofit organizations
18 in implementing the approved management plan
19 by—

20 (A) carrying out programs and projects
21 that recognize, protect, and enhance important
22 resource values within the Heritage Area;

23 (B) establishing and maintaining interpre-
24 tive exhibits and programs within the Heritage
25 Area;

1 (C) developing recreational and educational
2 opportunities in the Heritage Area;

3 (D) increasing public awareness of, and ap-
4 preciation for, natural, historic, scenic, and cul-
5 tural resources of the Heritage Area;

6 (E) protecting and restoring historic sites
7 and buildings in the Heritage Area that are con-
8 sistent with the themes of the Heritage Area;

9 (F) ensuring that signs identifying points
10 of public access and sites of interest are posted
11 throughout the Heritage Area; and

12 (G) promoting a wide range of partnerships
13 among governments, organizations, and individ-
14 uals to further the purposes of the Heritage Area;

15 (3) consider the interests of diverse units of gov-
16 ernment, businesses, organizations, and individuals
17 in the Heritage Area in the preparation and imple-
18 mentation of the management plan;

19 (4) conduct meetings open to the public at least
20 semiannually regarding the development and imple-
21 mentation of the management plan;

22 (5) submit an annual report to the Secretary for
23 each fiscal year for which the local coordinating enti-
24 ty receives Federal funds under this Act specifying—

1 (A) the accomplishments of the local coordi-
2 nating entity;

3 (B) the expenses and income of the local co-
4 ordinating entity;

5 (C) the amounts and sources of matching
6 funds;

7 (D) the amounts leveraged with Federal
8 funds and sources of the leveraged funds; and

9 (E) grants made to any other entities dur-
10 ing the fiscal year;

11 (6) make available for audit for each fiscal year
12 for which the local coordinating entity receives Fed-
13 eral funds under this Act, all information pertaining
14 to the expenditure of the funds and any matching
15 funds;

16 (7) require in all agreements authorizing expend-
17 itures of Federal funds by other organizations, that
18 the receiving organizations make available for audit
19 all records and other information pertaining to the
20 expenditure of the funds; and

21 (8) encourage, by appropriate means, economic
22 development that is consistent with the purposes of
23 the Heritage Area.

24 (b) *AUTHORITIES.*—The local coordinating entity
25 may, subject to the prior approval of the Secretary, for the

1 purposes of preparing and implementing the management
 2 plan, use Federal funds made available under this Act to—

3 (1) make grants to the State, political subdivi-
 4 sions of the State, nonprofit organizations, and other
 5 persons;

6 (2) enter into cooperative agreements with, or
 7 provide technical assistance to, the State, political
 8 subdivisions of the State, nonprofit organizations,
 9 Federal agencies, and other interested parties;

10 (3) hire and compensate staff;

11 (4) obtain funds or services from any source, in-
 12 cluding funds and services provided under any other
 13 Federal law or program;

14 (5) contract for goods or services; and

15 (6) support activities of partners and any other
 16 activities that further the purposes of the Heritage
 17 Area and are consistent with the approved manage-
 18 ment plan.

19 (c) *PROHIBITION ON ACQUISITION OF REAL PROP-*
 20 *ERTY.*—The local coordinating entity may not use Federal
 21 funds received under this Act to acquire any interest in real
 22 property.

23 **SEC. 5. MANAGEMENT PLAN.**

24 (a) *IN GENERAL.*—Not later than 3 years after the
 25 date on which funds are made available to develop the man-

1 *agement plan, the local coordinating entity shall submit to*
 2 *the Secretary for approval a proposed management plan*
 3 *for the Heritage Area.*

4 *(b) REQUIREMENTS.—The management plan for the*
 5 *Heritage Area shall—*

6 *(1) describe comprehensive policies, goals, strate-*
 7 *gies, and recommendations for telling the story of the*
 8 *heritage of the region and encouraging long-term re-*
 9 *source protection, enhancement, interpretation, fund-*
 10 *ing, management, and development of the Heritage*
 11 *Area;*

12 *(2) take into consideration existing State, coun-*
 13 *ty, and local plans in the development and implemen-*
 14 *tation of the management plan;*

15 *(3) include a description of actions and commit-*
 16 *ments that governments, private organizations, and*
 17 *citizens plan to take to protect, enhance, and inter-*
 18 *pret the cultural, historical, archaeological, natural,*
 19 *and recreational resources of the Heritage Area;*

20 *(4) specify existing and potential sources of*
 21 *funding or economic development strategies to protect,*
 22 *enhance, interpret, fund, manage, and develop the*
 23 *Heritage Area;*

24 *(5) include an inventory of the cultural, histor-*
 25 *ical, archaeological, natural, and recreational re-*

1 *sources of the Heritage Area relating to the stories*
 2 *and themes of the region that should be protected, en-*
 3 *hanced, managed, or developed;*

4 *(6) recommend policies and strategies for re-*
 5 *source management including, the development of*
 6 *intergovernmental and interagency agreements to pro-*
 7 *tect the natural, historic, cultural, educational, scenic,*
 8 *and recreational resources of the Heritage Area;*

9 *(7) describe a program for implementation of the*
 10 *management plan, including—*

11 *(A) performance goals;*

12 *(B) plans for resource protection, enhance-*
 13 *ment, and interpretation; and*

14 *(C) specific commitments for implementa-*
 15 *tion that have been made by the local coordi-*
 16 *nating entity or any government, organization,*
 17 *business, or individual;*

18 *(8) include an analysis of, and recommendations*
 19 *for, ways in which Federal, State, tribal, and local*
 20 *programs may best be coordinated (including the role*
 21 *of the National Park Service and other Federal agen-*
 22 *cies associated with the Heritage Area) to further the*
 23 *purposes of this Act;*

24 *(9) include an interpretive plan for the Heritage*
 25 *Area; and*

1 (10) include a business plan that—

2 (A) describes the role, operation, financing,
3 and functions of the local coordinating entity
4 and of each of the major activities described in
5 the management plan; and

6 (B) provides adequate assurances that the
7 local coordinating entity has the partnerships
8 and financial and other resources necessary to
9 implement the management plan for the Herit-
10 age Area.

11 (c) *TERMINATION OF FUNDING.*—If the management
12 plan is not submitted to the Secretary in accordance with
13 this subsection, the local coordinating entity shall not qual-
14 ify for additional financial assistance under this Act until
15 the management plan is submitted to, and approved by, the
16 Secretary.

17 (d) *APPROVAL OF MANAGEMENT PLAN.*—

18 (1) *REVIEW.*—Not later than 180 days after the
19 date on which the Secretary receives the management
20 plan, the Secretary shall approve or disapprove the
21 management plan.

22 (2) *CONSULTATION REQUIRED.*—The Secretary
23 shall consult with the Governor of the State and any
24 tribal government in which the Heritage Area is lo-
25 cated before approving the management plan.

1 (3) *CRITERIA FOR APPROVAL.*—*In determining*
2 *whether to approve the management plan, the Sec-*
3 *retary shall consider whether—*

4 (A) *the local coordinating entity represents*
5 *the diverse interests of the Heritage Area, includ-*
6 *ing governments, natural and historic resource*
7 *protection organizations, educational institu-*
8 *tions, businesses, community residents, and rec-*
9 *reational organizations;*

10 (B) *the local coordinating entity has af-*
11 *forded adequate opportunity for public and gov-*
12 *ernmental involvement (including through work-*
13 *shops and public meetings) in the preparation of*
14 *the management plan;*

15 (C) *the resource protection and interpreta-*
16 *tion strategies described in the management*
17 *plan, if implemented, would adequately protect*
18 *the cultural, historical, archaeological, natural,*
19 *and recreational resources of the Heritage Area;*

20 (D) *the management plan would not ad-*
21 *versely affect any activities authorized on Fed-*
22 *eral or tribal land under applicable laws or land*
23 *use plans;*

24 (E) *the Secretary has received adequate as-*
25 *surances from the appropriate State, tribal, and*

1 *local officials whose support is needed to ensure*
 2 *the effective implementation of the State, tribal,*
 3 *and local aspects of the management plan; and*

4 *(F) the local coordinating entity has dem-*
 5 *onstrated the financial capability, in partner-*
 6 *ship with others, to carry out the management*
 7 *plan.*

8 *(4) ACTION FOLLOWING DISAPPROVAL.—*

9 *(A) IN GENERAL.—If the Secretary dis-*
 10 *approves the management plan, the Secretary—*

11 *(i) shall advise the local coordinating*
 12 *entity in writing of the reasons for the dis-*
 13 *approval; and*

14 *(ii) may make recommendations to the*
 15 *local coordinating entity for revisions to the*
 16 *management plan.*

17 *(B) DEADLINE.—Not later than 180 days*
 18 *after receiving a revised management plan, the*
 19 *Secretary shall approve or disapprove the revised*
 20 *management plan.*

21 *(5) AMENDMENTS.—*

22 *(A) IN GENERAL.—An amendment to the*
 23 *management plan that substantially alters the*
 24 *purposes of the Heritage Area shall be reviewed*
 25 *by the Secretary and approved or disapproved in*

1 *the same manner as the original management*
 2 *plan.*

3 *(B) IMPLEMENTATION.—The local coordi-*
 4 *nating entity shall not use Federal funds author-*
 5 *ized to be appropriated by this Act to implement*
 6 *an amendment to the management plan until the*
 7 *Secretary approves the amendment.*

8 **SEC. 6. DUTIES AND AUTHORITIES OF THE SECRETARY.**

9 *(a) TECHNICAL AND FINANCIAL ASSISTANCE.—*

10 *(1) IN GENERAL.—On the request of the local co-*
 11 *ordinating entity, the Secretary may provide tech-*
 12 *nical and financial assistance, on a reimbursable or*
 13 *nonreimbursable basis (as determined by the Sec-*
 14 *retary), to the local coordinating entity to develop*
 15 *and implement the management plan.*

16 *(2) COOPERATIVE AGREEMENTS.—The Secretary*
 17 *may enter into cooperative agreements with the local*
 18 *coordinating entity and other public or private enti-*
 19 *ties to provide technical or financial assistance under*
 20 *paragraph (1).*

21 *(3) PRIORITY.—In assisting the Heritage Area,*
 22 *the Secretary shall give priority to actions that assist*
 23 *in—*

1 (A) conserving the significant cultural, his-
 2 torical, archaeological, natural, and recreational
 3 resources of the Heritage Area; and

4 (B) providing educational, interpretive, and
 5 recreational opportunities consistent with the
 6 purposes of the Heritage Area.

7 (4) *PROHIBITION OF CERTAIN REQUIREMENTS.*—
 8 *The Secretary may not, as a condition of the provi-*
 9 *sion of technical or financial assistance under this*
 10 *subsection, require any recipient of the assistance to*
 11 *impose or modify any land use restriction or zoning*
 12 *ordinance.*

13 (b) *EVALUATION; REPORT.*—

14 (1) *IN GENERAL.*—*Not later than 3 years before*
 15 *the date on which authority for Federal funding ter-*
 16 *minates for the Heritage Area under section 10, the*
 17 *Secretary shall—*

18 (A) conduct an evaluation of the accom-
 19 plishments of the Heritage Area; and

20 (B) prepare a report with recommendations
 21 for the future role of the National Park Service,
 22 if any, with respect to the Heritage Area, in ac-
 23 cordance with paragraph (3).

24 (2) *EVALUATION.*—*An evaluation conducted*
 25 *under paragraph (1)(A) shall—*

1 (A) *assess the progress of the local coordi-*
 2 *nating entity with respect to—*

3 (i) *accomplishing the purposes of this*
 4 *Act for the Heritage Area; and*

5 (ii) *achieving the goals and objectives*
 6 *of the approved management plan for the*
 7 *Heritage Area;*

8 (B) *analyze the Federal, State, local, and*
 9 *private investments in the Heritage Area to de-*
 10 *termine the leverage and impact of the invest-*
 11 *ments; and*

12 (C) *review the management structure, part-*
 13 *nership relationships, and funding of the Herit-*
 14 *age Area for purposes of identifying the critical*
 15 *components for sustainability of the Heritage*
 16 *Area.*

17 (3) *REPORT.—*

18 (A) *IN GENERAL.—Based on the evaluation*
 19 *conducted under paragraph (1)(A), the Secretary*
 20 *shall prepare a report that includes rec-*
 21 *ommendations for the future role of the National*
 22 *Park Service, if any, with respect to the Heritage*
 23 *Area.*

24 (B) *REQUIRED ANALYSIS.—If the report*
 25 *prepared under this paragraph recommends that*

1 *Federal funding for the Heritage Area be reau-*
 2 *thorized, the report shall include an analysis*
 3 *of—*

4 *(i) ways in which Federal funding for*
 5 *the Heritage Area may be reduced or elimi-*
 6 *nated; and*

7 *(ii) the appropriate time period nec-*
 8 *essary to achieve the recommended reduc-*
 9 *tion or elimination.*

10 *(C) SUBMISSION TO CONGRESS.—On com-*
 11 *pletion of a report under this paragraph, the*
 12 *Secretary shall submit the report to—*

13 *(i) the Committee on Energy and Nat-*
 14 *ural Resources of the Senate; and*

15 *(ii) the Committee on Natural Re-*
 16 *sources of the House of Representatives.*

17 **SEC. 7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

18 *(a) IN GENERAL.—Nothing in this Act affects the au-*
 19 *thority of a Federal agency to provide technical or financial*
 20 *assistance under any other law.*

21 *(b) CONSULTATION AND COORDINATION.—To the max-*
 22 *imum extent practicable, the head of any Federal agency*
 23 *planning to conduct activities that may have an impact*
 24 *on the Heritage Area is encouraged to consult and coordi-*

1 *nate the activities with the Secretary and the local coordi-*
 2 *nating entity.*

3 (c) *OTHER FEDERAL AGENCIES.*—*Nothing in this*
 4 *Act—*

5 (1) *modifies, alters, or amends any laws (includ-*
 6 *ing regulations) authorizing a Federal agency to*
 7 *manage Federal land under the jurisdiction of the*
 8 *Federal agency;*

9 (2) *limits the discretion of a Federal land man-*
 10 *ager to implement an approved land use plan within*
 11 *the boundaries of the Heritage Area; or*

12 (3) *modifies, alters, or amends any authorized*
 13 *use of Federal land under the jurisdiction of a Fed-*
 14 *eral agency.*

15 **SEC. 8. PROPERTY OWNERS AND REGULATORY PROTEC-**
 16 **TIONS.**

17 *Nothing in this Act—*

18 (1) *abridges the rights of any owner of public or*
 19 *private property, including the right to refrain from*
 20 *participating in any plan, project, program, or activ-*
 21 *ity conducted within the Heritage Area;*

22 (2) *requires any property owner to—*

23 (A) *permit public access (including Federal,*
 24 *tribal, State, or local government access) to the*
 25 *property; or*

1 (B) modify any provisions of Federal, trib-
2 al, State, or local law with regard to public ac-
3 cess or use of private land;

4 (3) alters any duly adopted land use regulations,
5 approved land use plan, or any other regulatory au-
6 thority of any Federal, State, or local agency, or trib-
7 al government;

8 (4) conveys any land use or other regulatory au-
9 thority to the local coordinating entity;

10 (5) authorizes or implies the reservation or ap-
11 propriation of water or water rights;

12 (6) diminishes the authority of the State to man-
13 age fish and wildlife, including the regulation of fish-
14 ing and hunting within the Heritage Area;

15 (7) creates any liability, or affects any liability
16 under any other law, of any private property owner
17 with respect to any person injured on the private
18 property;

19 (8) restricts an Indian tribe from protecting cul-
20 tural or religious sites on tribal land; or

21 (9) diminishes the trust responsibilities of gov-
22 ernment-to-government obligations of the United
23 States of any federally recognized Indian tribe.

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) *IN GENERAL.*—*There is authorized to be appro-*
 3 *priated to carry out this Act \$10,000,000, of which not more*
 4 *than \$1,000,000 may be made available for any fiscal year.*

5 (b) *COST-SHARING REQUIREMENT.*—

6 (1) *IN GENERAL.*—*The Federal share of the total*
 7 *cost of any activity under this Act shall be not more*
 8 *than 50 percent.*

9 (2) *FORM.*—*The non-Federal contribution—*

10 (A) *shall be from non-Federal sources; and*

11 (B) *may be in the form of in-kind contribu-*
 12 *tions of goods or services fairly valued.*

13 **SEC. 10. TERMINATION OF FINANCIAL ASSISTANCE.**

14 *The authority of the Secretary to provide financial as-*
 15 *sistance under this Act terminates on the date that is 15*
 16 *years after the date of enactment of this Act.*

Calendar No. 800

110TH CONGRESS
2^D Session

S. 2512

[Report No. 110-368]

A BILL

To establish the Mississippi Delta National Heritage Area in the State of Mississippi, and for other purposes.

JUNE 16, 2008

Reported with an amendment